

## CHAPTER 5

### CIVIL RIGHTS

#### OVERVIEW

State civil rights requirements are intended to ensure equal opportunity and access to all of the benefits emanating from publicly financed programs such as TSEP. In general, these laws have the basic purpose of protecting people from discrimination on the basis of:

- |   |                             |   |  |
|---|-----------------------------|---|--|
| ? | age                         | ? | political ideas                        |
| ? | color                       | ? | race                                   |
| ? | creed                       | ? | religion                               |
| ? | marital status              | ? | gender                                 |
| ? | national origin             | ? | family status (families with children) |
| ? | physical or mental handicap |   |  |

Population groups specifically protected by the provisions of these laws include:

- ? minorities (e.g., Blacks, Hispanics, American Indians);
- ? women;
- ? groups distinguished by age (e.g., elderly); and,
- ? physically and mentally handicapped.

These groups (commonly referred to as "protected groups") are specifically protected from discrimination in the following areas:

- ? **Housing:** Generally this includes the sale or rental of housing, and the financing, advertising or provision of brokerage services. However, there are other specific acts of discrimination which are equally illegal. Nondiscrimination requirements in this area are referred to as "Fair Housing;"

- ? **Employment:** This requirement applies to government employment, employment by government contractors or subcontractors, and employment in all construction contracts funded in part or whole with public money. This area is referred to as "Equal Employment Opportunity;" and
- ? **Participation in or Benefits Derived From TSEP Funded Activities:** This means that no one who is eligible may be excluded from participating in any activities nor may they be denied any benefits which result from activities funded in part or whole by TSEP money.

## APPLICABLE STATE REQUIREMENTS

Several state statutes contain civil rights provisions that apply to all programs spending public money.

Montana Human Rights Statutes: Portions of Title 49, Montana's human rights statutes, apply to the TSEP recipient's project activities.

In employment, Section 49-2-303, MCA adds marital status to the list of protected categories and identifies physical and mental handicaps as specific categories. Concerning maternal status, the Montana Maternity Act (part of the Montana Human Rights Statutes in Sections 49-2-310 and 49-2-311) prohibits certain employment actions related to pregnancy in the areas of employee leave and benefits.

In housing, Section 49-2-305, MCA lists protected groups which like employment, includes physical and mental handicaps.

In addition to Chapter 2 of Title 49 (Illegal Discrimination) in Montana's human rights statutes, Chapter 3 of Title 49, (Governmental Code of Fair Practices), establishes requirements regarding human rights that apply to state and local governments during the general operation of government and provisions of services or benefits, particularly in hiring and employment policies and practices. This chapter of state law lists race, color, religion, creed, political ideas, sex, age, marital status, physical or mental handicap, or national origin as protected groups.

Chapter 4 of Title 49 (rights of the Handicapped) establishes requirements and policies regarding handicapped persons and defines the rights of handicapped persons under state law, especially the right to nondiscrimination in employment and housing.

Montana's administrative rules implementing Title 49 contain minimum requirements. Administrative Rule 24.9.805 does require each employer subject to the U.S. Equal Employment Opportunity Commission (EEOC) (more than 15 employees) to maintain records

on the gender, age, and race of employees. Those employers not subject to the EEOC (less than 15 employees) are urged to maintain records on race and gender. Any records employers maintain must be kept on file for three years after project close-out. All employment records should be kept at least 6 months, including applications for employment.

Exhibit 5-A includes a table that summarizes the major state and federal civil rights and equal opportunity laws.